

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 PER-01 PM-04 NSC-05 SP-02 SS-15

CIAE-00 COME-00 EB-07 INR-07 LAB-04 NSAE-00 SIL-01

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FM AMEMBASSY SOFIA

TO SECSTATE WASHDC 1887

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E.O. 11652: N/A

TAGS: AFSP, PFOR, BU

SUBJECT: BULGARIAN LABOR CONTRACT: BODK AGREES TO DEPT'S
LANGUAGE

REF: (A) STATE 254654; (B) SOFIA 2154; (C) STATE 247597;
(D) SOFIA 1671

CHARGE AND ADMIN OFFICER MET WITH BODK REPS OCTOBER 21 TO
PROPOSE NEW LANGUAGE CONTAINED REF C. AFTER SOME
DISCUSSION, BODK ACCEPTED THIS LANGUAGE AND CONFIRMED THAT
EXCHANGE OF NOTES WOULD PRECEDE SIGNING OF LABOR CONTRACT.
EMBASSY WILL SEND NOTE TOMORROW, EXPECTS TO SIGN LABOR
CONTRACTS NEXT WEEK. TEXT OF NOTE (REF D, AS MODIFIED BY
REF C) FOLLOWS:

THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS
COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS OF THE PEOPLE'S
REPUBLIC OF BULGARIA AND HAS THE HONOR TO REFER TO LETTER NO. 9216,
DATED SEPTEMBER 24, 1975, RECEIVED FROM THE BUREAU FOR DIPLOMATIC
SERVICES OF THE MINISTRY, SUBMITTING A NEW FORM OF LABOR CONTRACT
TO BE SIGNED WITH RESPECT TO THE BULGARIAN EMPLOYEES
OF THE EMBASSY, AND HAS THE HONOR TO REFER AS WELL TO THE SEVERAL
DISCUSSIONS OF THE NEW CONTRACT WHICH HAVE TAKEN PLACE IN
THE INTERVENING MONTHS.

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THE EMBASSY HAS THE HONOR TO INFORM THE MINISTRY OF CERTAIN UNDERSTANDINGS AND OBSERVATIONS WHICH IT HOLDS WITH REGARD TO THE LABOR CONTRACT, AS SET FORTH IN THE PARAGRAPHS WHICH FOLLOW. THE EMBASSY IS PREPARED TO SIGN THE LABOR CONTRACT WITH RESPECT TO ITS EMPLOYEES UPON RECEIPT OF A NOTE FROM THE MINISTRY STATING THAT THESE UNDERSTANDINGS AND OBSERVATIONS ARE ACCEPTED AND AGREED BY THE MINISTRY.

THE ACT OF SIGNING THE FOREGOING CONTRACT BY THE UNITED STATES GOVERNMENT MAY NOT BE CONSTRUED AS A WAIVER OR MODIFICATION OF THE PRIVILEGES AND IMMUNITIES DERIVED FROM GENERALLY ACCEPTED PRINCIPLES OF INTERNATIONAL LAW AND PRACTICE AND FROM TREATIES AND AGREEMENTS IN FORCE BETWEEN THE UNITED STATES GOVERNMENT AND THE GOVERNMENT OF BULGARIA, INCLUDING THE DEFENSES OF SOVEREIGN AND DIPLOMATIC IMMUNITY.

THE PARTIES CONCERNED ARE COGNIZANT OF THE SPECIAL STATUS AND FUNCTION OF A DIPLOMATIC MISSION AND ACCEPT THE NECESSITY OF SPECIAL INTERPRETATIONS TO CERTAIN ARTICLES OF THE LABOR CONTRACT, AS SET FORTH BELOW, SO AS NOT TO INTERFERE UNDULY WITH THE FUNCTIONING OF THE MISSION, TO WIT:

1. IN ACCEPTING EMPLOYMENT AT THE UNITED STATES EMBASSY IN BULGARIA, AN EMPLOYEE UNDERSTANDS AND ACCEPTS THE NECESSITY FOR OCCASIONAL WORK AFTER NORMAL HOURS, OR ON WEEKENDS, OR ON HOLIDAYS. SUCH OVERTIME WILL BE COMPENSATED EITHER BY REMUNERATION AT A PREMIUM RATE IN ACCORDANCE WITH APPLICABLE BULGARIAN LEGISLATION, OR THROUGH COMPENSATORY TIME OFF.

2. PRIOR TO A BULGARIAN LEGAL HOLIDAY, THE WORKING DAY WILL NORMALLY BE ONLY SIX HOURS IN DURATION. IF LONGER SERVICE IS REQUIRED ON THAT DAY, PAYMENT AFTER SIX HOURS WILL BE MADE AT A PREMIUM RATE IN ACCORDANCE WITH BULGARIAN LEGISLATION.

3. THE LABOR CONTRACT CAN BE TERMINATED AT THE REQUEST OF ONE OF THE PARTIES, OR AT THE REQUEST OF THE BUREAU FOR SERVICES TO THE DIPLOMATIC CORPS, BY PROVIDING THIRTY DAYS NOTICE TO THE OTHER TWO PARTIES, AND BY OBSERVING THE EXISTING LIMITED OFFICIAL USE

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LEGISLATION.

4. SEVERANCE PAY WILL NOT BE PAID TO AN EMPLOYEE WHOSE SERVICES ARE TERMINATED "FOR CAUSE".

5. DISPUTES OVER THE LABOR CONTRACT SHALL BE SETTLED THROUGH COORDINATION BETWEEN THE BUREAU FOR SERVICES TO THE DIPLOMATIC CORPS AND THE DIPLOMATIC MISSION.

6. THE TERMS AND CONDITIONS OF THE LABOR CONTRACT SHALL BE INTERPRETED AND APPLIED IN ACCORDANCE WITH THE APPLICABLE LEGISLATION OF THE PEOPLE'S REPUBLIC OF BULGARIA AND IN KEEPING WITH THE SPECIAL REQUIREMENTS OF A DIPLOMATIC MISSION.

THE EMBASSY OF THE UNITED STATES OF AMERICA TAKES THIS OPPORTUNITY TO RENEW TO THE MINISTRY OF FOREIGN AFFAIRS OF THE PEOPLE'S REPUBLIC OF BULGARIA THE ASSURANCES OF ITS HIGHEST CONSIDERATION.

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Margaret P. Grafeld
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